

### REMARKS

By this amendment, claims 1, 3, 6, 8, 11-14, 16 and 22-25 have been amended. Some amendments to claims were made to place the same in better form. Claims 1-25 remain in the application. Support for the amendments can be found in the specification and drawings. No new matter has been added. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, as amended, is requested.

#### Rejection under 35 U.S.C. §101

Claims 11-20 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant respectfully traverses this rejection for at least the following reason. As now presented, claim 11 (and claims 12-20 which depend from claim 11) are directed to a *method of multi-channel encoding*, the method comprising (a) *down-mixing, via a down-mixer*, segmented and transformed representations of input signals conveyed in N input channels of a multi-channel encoder to generate corresponding output signals conveyed in M output channels together with parametric data, wherein M and N are integers and N is greater than M; and (b) *processing, via an analyzer*, the input signals to provide said parametric data complementary to the output signals conveyed in the M output channels, said parametric data describing mutual differences between the N channels of input signal so as to allow substantially for regeneration of the N channels of input signal from the M channels of output signal during decoding, said output signals being in a form compatible for reproduction in decoders providing for N or for fewer than N channels. Accordingly, claims 11-20 are directed to statutory subject matter. Withdrawal of the rejection is requested.

### Rejection under 35 U.S.C. §102

Claim 1 recites a multi-channel encoder arranged to process input signals conveyed in N input channels to generate corresponding output signals conveyed in M output channels together with parametric data such that M and N are integers and N is greater than M, the encoder comprising:

- (a) a down-mixer configured for down-mixing segmented and transformed representations of the input signals to generate corresponding output signals to be conveyed in the M output channels together with the parameter data; and
- (b) an analyzer for processing the segmented and transformed sub-band representations of the input signals either during down-mixing or as a separate process, said analyzer being operable to generate said parametric data complementary to the output signals to be conveyed in the M output channels, said parametric data describing mutual differences between the N channels of input signal so as to allow substantially for regenerating during decoding of one or more of the N channels of input signal from the M channels of output signal, said output signals being in a form compatible for reproduction in decoders providing for N or for fewer than N output channels to enable backwards compatibility.

Support for the amendments to claim 1 (as well as for claims 11 and 22) can be found in the specification at least on page 9, lines 3-6, 9-10, 13-16 and 30-33; page 10, lines 1-3; page 13, lines 17-18; and Figures 1 and 2.

Claims 1-3, 6, 9-13, 16 and 19-21 were rejected under 35 U.S.C. §102(e) as being anticipated by **Faller** et al. (US 2005/0195981 A1, hereinafter referred to as "**Faller**"). Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that

*"[t]o anticipate a claim, the reference must teach every element of the claim...."*

Therefore, with respect to claims 1 and 11, to sustain this rejection the **Faller** reference must contain all of the above claimed elements of the respective claims. However, contrary to the examiner's position that all elements are disclosed in the **Faller** reference, the latter reference does not disclose a multi-channel encoder or method of encoding in which a down-mixer is configured for down-mixing "segmented and transformed" representations of the input signals to generate corresponding output signals to be conveyed in the M output channels together with the parameter data; and an analyzer for processing the segmented and transformed representations of the input signals ... to generate said *parametric data* complementary to the output signals to be conveyed in the M output channels" (*emphasis added*) as is claimed in claims 1 and 11. Therefore, the rejection is not supported by the **Faller** reference and should be withdrawn.

In contrast, while **Faller** teaches frequency-based coding of channels in parametric multi-channel coding system in which an encoder uses a down-mixer 110 for converting "input channels of conventional 5.1 surround sound ... into (a mono audio) sum signal 112" (See Faller, paragraph [0007] and paragraph [0010], lines 3-6), **Faller** does not does not disclose a multi-channel encoder or method of encoding that includes down-mixing "segmented and transformed" representations of the input signals to generate corresponding output signals to be conveyed in the M output channels together with the parameter data; and ... processing the segmented and transformed representations of the input signals ... to generate said *parametric data* complementary to the output signals to be conveyed in the M output channels" (*emphasis added*) as is claimed in claims 1 and 11.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Claims 2-3, 6, 9 and 10 depend from and further limit independent claim 1 and therefore are allowable as well. Claim 11 is also allowable and an early formal notice thereof is

requested. Claims 12-13, 16 and 19-21 depend from and further limit independent claim 11 and therefore are allowable as well. The 35 U.S.C. §102(e) rejection thereof has now been overcome.

**Rejection under 35 U.S.C. §103**

Claims 4-5; 14-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Faller** et al. (US 2005/0195981 A1, hereinafter referred to as "**Faller**") and **Tsushima** et al (US2004/0028244 A1, hereinafter referred to as "**Tsushima**"). Applicant respectfully traverses this rejection for at least the following reasons. Claims 4-5 depend from and further limit, in a patentable sense, allowable independent claim 1 and therefore are allowable as well. Claims 14-15 depend from and further limit, in a patentable sense, independent claim 11 and therefore are allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over **Faller** et al. (US 2005/0195981 A1, hereinafter referred to as "**Faller**") and **Scheiber** (US 5,857,026, hereinafter referred to as "**Scheiber**"). Applicant respectfully traverses this rejection for at least the following reasons. Claim 7 depends from and further limits, in a patentable sense, allowable independent claim 1 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over **Faller** et al. (US 2005/0195981 A1, hereinafter referred to as "**Faller**"). Applicant respectfully traverses this rejection for at least the following reasons. Claim 17 depends from and further limits, in a patentable sense, allowable independent claim 11 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claims 8, 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Faller** et al. (US 2005/0195981 A1, hereinafter referred to as "**Faller**") and **Kinoshita** et al (US 5,982,903, hereinafter referred to as "**Kinoshita**"). Applicant respectfully traverses this rejection for at least the following reasons. Claim 8 depends from and further limits, in a patentable sense, allowable independent claim 1 and therefore is allowable as well. Claim 18 depends from and further limits, in a patentable sense, independent claim 11 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claims 22-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Faller** et al. (US 2005/0195981 A1, hereinafter referred to as "**Faller**") and **Herre** et al (US 7,394,903, hereinafter referred to as "**Herre**"). Applicant respectfully traverses this rejection for at least the following reasons. Claims 22-25 depend from and further limit, in a patentable sense, allowable independent claim 1 and therefore are allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

### **Conclusion**

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1 and 11 are in condition for allowance. Claims 2-10 and 22-25 depend from and further limit independent claim 1 and therefore are allowable as well. Claims 12-21 depend from and further limit independent claim 11 and therefore are allowable as well.

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-25 is requested.

Respectfully submitted,

/Michael J. Balconi-Lamica/

Michael J. Balconi-Lamica  
Registration No. 34,291  
for Edward Goodman, Reg. No. 28,613

Dated: 2009-03-20  
Philips Intellectual Property & Standards  
345 Scarborough Road  
Briarcliff Manor, New York 10510  
Telephone: 914-333-9611  
Facsimile: 914-332-0615  
File: NL040655US1

a-32658.256